

## REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

September 20, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, September 20, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday July 6, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend Adrian Dowell, Pastor, Shiloh Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that earlier this year, three employees of WDBJ Television traveled to the western Ukraine to participate in an exchange program with the radio and television company, Vezha. He explained that the Ukraine Media Partnership Program is funded by the United States State Department and coordinated by the International Research and Exchange Board to promote the development of independent media.

On behalf of the Members of Council, the Mayor welcomed a delegation from Ivano-Frankivsk who will be visiting the Roanoke area for two weeks as a part of the exchange program.

The Mayor presented Honorary Citizen Certificates to Larysa Freyishyn, Anzhelika Demyanova and Olena Tretyak and an iris tile, which is the official flower of the City of Roanoke. He presented the interpreters with a City coaster etched with the City of Roanoke's new branding logo.

**ACTS OF ACKNOWLEDGEMENT-SISTER CITIES:** Dr. Robert Roth, Chair, Roanoke Sister Cities, presented an archive of information relative to the Sister Cities Program, including files, newsletters, etc., which represent a comprehensive report on activities of the organization dating back to 1968. He advised that one copy of the information will be filed with the Executive Director of Roanoke Sister Cities and one copy will be presented to the City of Roanoke for display at the City's Main Library.

**ACTS OF ACKNOWLEDGEMENT-VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES-SPORTS ACTIVITIES:** Peter Lampman, President, Virginia Amateur Sports, Inc., expressed appreciation for the City of Roanoke's support of the Virginia Commonwealth Games which were held in the City of Roanoke on July 16-18, 2004, and represents the 15<sup>th</sup> anniversary of the Commonwealth Games. He reviewed the economic impact of the Commonwealth Games on the Roanoke Valley; i.e.: 75 per cent of all athletes were under the age of 18, 11 per cent were from the Richmond area, 12 per cent from northern Virginia, 13 per cent from the Lynchburg area, 36 per cent from eastern Virginia, and 26 per cent from the Roanoke Valley. He stated that the average length of stay for athletes was 2.36 days, daily expenditures based on figures provided by the Roanoke Valley Convention and Visitors Bureau is estimated at \$150.00 per person, totaling approximately \$4.2 million, and local sales tax based on 4.5 per cent is approximately \$192,000.00, excluding restaurant, food and beverage taxes.

Mr. Lampman presented a plaque in appreciation of the support of the City of Roanoke and Virginia Commonwealth Games t-shirts to the Members of Council.

**PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENT:** The Mayor presented a proclamation to Mr. Stuart Harris, President, Greater Roanoke Valley Character Coalition, declaring the month of October 2004, as Building Character Month.

The Building Character Month proclamation was issued jointly by the City of Roanoke, Roanoke County, the City of Salem, the Town of Vinton and Franklin County.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention to four requests for Closed Session.

**COMMITTEES–CITY COUNCIL:** A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for one vacancy on the Architectural Review Board, pursuant to Section 2.2–3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

**CITY COUNCIL–CITIZEN OF THE YEAR:** A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2–3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

**PURCHASE/SALE OF PROPERTY–CITY COUNCIL:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2–3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Monday October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed agreement with Colonial Partners, L.L.C., in connection with development of approximately 23-acres of City owned property located on Colonial Avenue, S. W., was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

(The public hearing was later rescheduled to Monday, November 15, 2004 at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-ROANOKE ARTS COMMISSION-COURT COMMUNITY CORRECTIONS BOARD-VIRGINIA ALCOHOL SAFETY ACTION PROGRAM-TOWING ADVISORY BOARD: A report of the City Clerk advising of the qualification of the following persons, was before Council.

A. L. Gaskins as a member of the Regional Virginia Alcohol Safety Action Program Policy Board for a term ending June 30, 2006;

A. L. Gaskins as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007;

Charles R. Brown as a member of the Towing Advisory Board for a term ending June 30, 2007;

Frank W. Feather as a member of the Fair Housing Board for a term ending March 31, 2007; and

Kristi Pedelty as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

Mr. Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-ECONOMIC DEVELOPMENT: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City of Roanoke has been made, pursuant to Section 2.2-3711 (A)(5), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

COMMITTEES-RAIL SERVICE: Former Mayor David A. Bowers advised that with the announcement by the Governor of a change in State policy, a change in policy by Norfolk Southern, and a willingness to consider bringing passenger rail service back to Roanoke, the Passenger Rail Service Committee, which was appointed by Council to represent the City of Roanoke on matters involving passenger rail service, requests consideration by Council in connection with reactivating the Passenger Rail Service Committee.

He stated that the City of Roanoke is a railroad town; Roanoke's citizens want passenger rail service; in the 1990's, there was an effort to bring AMTRAK to Roanoke, but a change in Congressional funding ended the prospect; therefore, members of the Passenger Rail Study Committee were pleased with the announcement by the Governor that the Commonwealth of Virginia is now interested in pursuing the issue with Norfolk Southern of having what is referred to as service railroad come into Roanoke. He compared service railroad to the lines of the Virginia Railway Express from the Washington area to Fredericksburg, Virginia, or the North Carolina railroad which is operated by the State of North Carolina along Norfolk Southern lines, or the Mark system which is an intercity or interurban railroad in the State of Maryland. He requested that the City of Roanoke assume its role in a decision that will be made by Norfolk Southern based on marketing and business concerns and by the Commonwealth of Virginia based on budget concerns, by promoting Roanoke as a site for a passenger rail service station.

Council Member Wishneff suggested that Mayor Bowers' request be held in abeyance until following a meeting of the Roanoke Valley Leadership Summit which will be held on Friday, September 24, 2004, at 12:00 p.m., in Bedford Virginia, at which time representatives of Norfolk Southern Corporation will address intermodal transportation issues and the position of Norfolk Southern regarding passenger rail service for the Roanoke Valley.

Vice-Mayor Fitzpatrick concurred in the remarks of Mayor Bowers that the City of Roanoke should be prepared to make the necessary commitments as a community so that if the prospect presents itself, Roanoke will be ready to respond. He stated that Council will review the request to determine if there is a need for a new committee, or if the current composition of the Passenger Rail Service Committee is satisfactory. He expressed appreciation to Mayor Bowers for calling the matter to the Council's attention; however, he cautioned that there should not be a duplication of efforts by the Passenger Rail Service Committee and the TransDominion Express.

Council Member Cutler referred to the feasibility of a regional approach to return passenger rail service to Roanoke which would be similar to previous actions to attract a low fare air carrier to the community by involving persons from the private sector and from other local governments. He stated that he is encouraged by the willingness of Norfolk Southern to consider public funding for its Heartland Corridor line east to west, to use public funds to enlarge the tunnels in West Virginia to bring freight from Norfolk, Virginia, to Columbus, Ohio; a partnership between public funding and Norfolk Southern could potentially lead to an improvement of the north-south rail line along the Shenandoah Valley to remove freight from I-81; and it is hoped that the entire partnership attitude will include the return of passenger rail service to the Roanoke Valley.

## REPORTS OF OFFICERS:

## CITY MANAGER:

BRIEFING: See page .

## ITEMS RECOMMENDED FOR ACTION:

**BUDGET-GRANTS-YOUTH:** The City Manager submitted a communication advising that the City of Roanoke has been selected as a grantee for the third year of a three-year funding cycle for the Runaway and Homeless Youth Program under provisions of the Runaway and Homeless Youth Act; the amount of the grant is \$12,675.00 annually, which funds will be used to cover the salaries and fringe benefits of a Youth Counselor III, a Youth Counselor II, a Relief Counselor and related program activities in the Sanctuary Outreach program; and the required local match is offered as in-kind services.

It was further advised that the U. S. Department of Health and Human Services awards grants for services in three year cycles; the project period for the grant commenced on September 30, 2002, and will end on September 29, 2005; focus of the program is to alleviate the problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions; early intervention of Sanctuary Outreach staff in a combination of shelter based and home based services offers runaway and homeless youth and their families supportive services that will decrease the incidence of repeat runaway episodes; and program services include: 24-hour intake and referral access, temporary shelter, individual, group and family counseling, community services linkages, after care services, case disposition and recreation opportunities.

The City Manager recommended that Council adopt a measure accepting \$126,675.00 in 2004-2005 funding from the U. S. Department of Health and Human Services, Grant No. 03CY0433/3, for Sanctuary's Runaway and Homeless Youth Outreach program; authorize the City Manager to execute other forms required by the Department of Health and Human Services, to be approved as to form by the City Attorney; and appropriate \$126,675.00 in Federal funds to expenditure accounts in the Grant Fund in certain accounts to be established by the Director of Finance and adopt a revenue estimate in the same amount in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36845-092004) AN ORDINANCE to appropriate funds for the Runaway and Homeless Youth Act Program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 112.)

Mr. Dowe moved the adoption of Ordinance No. 36845-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36846-092004) A RESOLUTION authorizing the acceptance of a grant from the United States Department of Health and Human Services to be used for salary and fringe benefits of counselors and related activities in the Sanctuary Outreach Program; and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 69, Page 113.)

Mr. Cutler moved the adoption of Resolution No. 36846-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Council Member Lea inquired as to the number of homeless youth in the City of Roanoke and in the Roanoke Valley; whereupon, the City Manager advised that she would respond to the question later in the Council meeting.

**BUDGET-HUMAN DEVELOPMENT-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Social Services issued a Request for Proposals to use Federal funds to provide job search, coaching, and job retention services for hard-to-serve TANF recipients; the City of Roanoke Department of Social Services responded with a proposal outlining its intent to work collaboratively with TAP - This Valley Works, to provide work-related services; under the proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided with customized job search assistance; case managers work with individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment; the project began in 2001 and is now in its fourth year; and the City of Roanoke was awarded \$76,400.00 in grant funding under the TANF Hard-to-Serve Project for a portion of the State's fiscal year 2005 (May 1, 2004 through November 30, 2004).



The City Manager recommended that Council appropriate funds, in the amount of \$76,400.00, and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36847-092004) AN ORDINANCE to appropriate funding for the Temporary Assistance For the Needy Families Hard-To-Serve Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 114.)

Mr. Dowe moved the adoption of Ordinance No. 36847-092004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution.

(#36848-092004) A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for eligible TANF recipients who must obtain employment, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 69, Page 115.)

Mr. Dowe moved the adoption of Resolution No. 36848-092004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

**BUDGET-HUMAN DEVELOPMENT-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Social Services has allocated funds from the Federal TANF Grant to eligible State community-based services; funds must be used for the purpose of job retention and wage advancement of TANF recipients, or for former TANF recipients, in the period of ineligibility; and in 2003, the City of Roanoke implemented a collaborative project with Botetourt, Craig, Franklin, and Roanoke Counties, known as MedVIEW.

It was further advised that for fiscal year 2005, allocation for the project is \$68,057.00 which must be expended by November 30, 2004; monies will be used to fund a contractual agreement with Goodwill Industries of the Valleys for delivery of medical assessment services and job development services for hard-to-employ recipients of TANF benefits; and the contract provides for up to four one-year extensions.

The City Manager recommended that Council appropriate funds for job retention and wage advancement, totaling \$68,057.00, and establish a revenue estimate of \$68,057.00 in an account to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36849-092004) AN ORDINANCE to appropriate funding for the Temporary Assistance For Needy Families Grant for job retention and wage advancement, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 115.)

Mr. Dowe moved the adoption of Ordinance No. 36849-092004. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36850-092004) A RESOLUTION authorizing acceptance of a grant award from the Federal Temporary Assistance for Needy Families (TANF) funding allocated by the Virginia Department of Social Services in the amount of \$68,057.00 for the purpose of providing job retention and wage advancement of TANF recipients or for former TANF recipients in the period of ineligibility, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 69, Page 116.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36850-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff  
and Mayor Harris -----7.

NAYS: None-----0.

**BUDGET-GRANTS-LIBRARIES:** The City Manager submitted a communication advising that in 2001, the City of Roanoke public library system received a grant from the Bill and Melinda Gates Foundation to purchase computers for public use; the computers, located at the Main Library, Melrose, Gainsboro, Jackson Park and Roanoke Law Library branch locations, were equipped with the latest educational and research software and enhanced the library system's ability to foster computer-literacy among Roanoke citizens; in July 2004, the Bill and Melinda Gates Foundation provided funding to the Library of Virginia to begin the *Staying Connected* Grant Program, which funding, combined with Library Services and Construction Act grant funds, is available to Virginia public libraries that were eligible and chosen to participate in the Bill and Melinda Gates U. S. Library Program in 2001; the Roanoke Public Library system was notified that it is eligible for a new grant of \$13,850.00 to purchase ten new public computer work stations; the additional public workstations will be installed in the Main Library, Roanoke Law Library, Melrose, Gainsboro and Jackson Park Branches; and the new computers will enable the public library system to expand customer access to on-line educational and research information.

The City Manager recommended that Council accept the *Staying Connected* grant, in the amount of \$13,850.00, and that she be authorized to execute an agreement with the Library of Virginia and any other forms that might be necessary to accept said grant, with all documents to be approved as to form by the City Attorney; and appropriate \$13,850.00 in grant funds to Account No. 035-650-9752-9015 to be established in the Grant Fund by the Director of Finance and establish a corresponding revenue estimate in the Grant Fund.

Mr. Cutler offered the following ordinance:

(#36851-092004) AN ORDINANCE to appropriate funding for the Staying Connected Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 116.)

Mr. Cutler moved the adoption of Ordinance No. 36851-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Council Member Cutler suggested that Randall Funding and Development, Incorporated, the City's grant consultant, inquire as to the feasibility of acquiring grant monies from the Bill and Melinda Gates Foundation to be used as a source of funding for construction of the City's new main library.

Mr. Fitzpatrick offered the following resolution:

(#36852-092004) A RESOLUTION authorizing the acceptance of the Staying Connected Grant from the Bill and Melinda Gates Foundation in the amount of \$13,850 to purchase ten new public computer work stations for the Roanoke Public Library System; and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 69, Page 118.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36852-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

HEALTH DEPARTMENT-LEASES: The City Manager submitted a communication advising that the City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health (VDH), entered into a Lease Agreement dated June 5, 2001, granting the Virginia Department of Health permission to lease office space located at 515 and 530 8<sup>th</sup> Street, S. W.; term of the Lease Agreement began on July 1, 2001 and terminated on June 30, 2004; and the Virginia Department of Health has leased space from the City of Roanoke for a number of years prior to the most recent agreement and desires to continue leasing the space for another year; and VDH planned to enter into a new sub-lease with the City for space located at the Civic Mall; however, the VDH is not prepared to enter into the new sub-lease this year due to budgetary concerns.

It was further advised that VDH has proposed an amendment to the current lease agreement to extend the term by one year, which will establish a new expiration date of June 30, 2005, with all other terms and conditions of the agreement to remain unchanged; and the Lessee will continue to pay rent in the amount of \$38,950.00 per quarter.

The City Manager recommended that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney, to amend the Lease Agreement dated June 5, 2001, for space located at 515 and 530 8<sup>th</sup> Street, S. W., to the Commonwealth of Virginia for use by the Virginia Department of Health.

Mr. Cutler offered the following ordinance:

(#36853-092004) AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Department of Health ("VDH"), to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8<sup>th</sup> Street for the VDH, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 118.)

Mr. Cutler moved the adoption of Ordinance No. 36853-092004. The motion was seconded by Ms. McDaniel.

Council Member Cutler inquired if the City's representatives to the General Assembly are aware of the interest of the Health Department to relocate to the Civic Mall from the 8<sup>th</sup> Street site, and will the matter be addressed as a part of the City's 2005 Legislative Program.

Vice-Mayor Fitzpatrick, Chair of the Legislative Committee, advised that the matter can be discussed at the October 18 meeting of the Legislative Committee. He stated that members of the City's delegation to the General Assembly are aware of the interest of the Health Department to relocate, but no progress has been made due to funding issues at the State level.

The City Manager advised that Delegate Onzlee Ware is in the process of arranging a visit by the Governor to the present Health Department facilities. She called attention to the importance of including the matter as a part of the City's 2005 Legislative Program.

Ordinance No. 36853-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

CITY CODE-FEE COMPENDIUM-STREETS AND ALLEYS: The City Manager submitted a communication advising that the 2003 Citizen Survey ranked Street Paving Maintenance and Repair as an issue of high importance; Roanoke's Comprehensive Plan, *Vision 2001-2020*, stresses the importance of a quality street system linking the community; Council's Strategic Plan 2004 envisions developing "strong neighborhoods through quality city infrastructure"; and in response to these goals, City staff has worked with local utility companies, contractors and developers for many months to develop a written policy for utility excavation and restoration.

The City Manager transmitted the proposed final draft of the *City of Roanoke Right of Way Excavation and Restoration Standards* dated September 20, 2004 (Standards); and advised that staff has briefed Council on the progress and necessity of such standards throughout development of the new standards.

It was noted that in order to implement the Standards, several changes to the City Code will be necessary; specifically, certain sections of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended, should be amended or repealed and one new Code section should be added, which is new Section 30-49, that authorizes the City Manager to promulgate the Standards; the amendment to Section 30-1 changes the class of the misdemeanor from a Class 4 to Class 3 misdemeanor for a violation of the chapter (the effect of the class change is to increase the fine from \$250.00 to a maximum of \$500.00 per violation); other amendments or deletions are to make the standards compatible with the City Code; proposed Standards provide a document detailing the procedures, permits, materials, methods, workmanship and quality desired for work within Roanoke's public street rights-of-ways; and the document, when combined with proactive inspection by City staff and cooperation of the utility community, will result in quality pavement repairs that are performed in a timely manner.

In addition, it was noted that a new fee structure is proposed for an Excavation Permit (formerly called a Street Opening Permit); the permit fee will increase from \$36.00 to \$50.00 and the new permit will have a fixed duration of 30 days; in order to answer concerns from utility companies on the limited duration, a 60 day permit is also available from \$100.00 to cover the increase in inspection coverage; and the increased fee, while not recovering all expenses for services provided, aligns Roanoke's fee with other comparable jurisdictions.

The City Manager recommended that Council adopt recommended City Code provisions, in order to promulgate the Standards, including any modifications thereto; amend the Fee Compendium to provide for a revised fee schedule, effective December 1, 2004; and authorize the City Manager to take such further action as may be necessary to implement and administer such Standards.

Mr. Dowe offered the following ordinance:

(#36854-092004) AN ORDINANCE amending §30-1, Violations of chapter, of Article I, In General, amending Article III, Street Excavations; and amending §30-88, Security, of Division 2, Construction of Sidewalks by Property Owners, of Chapter 30, Streets and sidewalks, Code of the City of Roanoke (1979), as amended, by amending, adding or repealing certain sections of Chapter 30 in order to promulgate standards and any modifications thereto, and take such other action as required to implement such standards; permitting the use of a letter of credit as an additional form of security; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 119.)

Mr. Dowe moved the adoption of Ordinance No. 36854-092004. The motion was seconded by Mr. Fitzpatrick.

Gary Robertson, Executive Director of Water Operations, Western Virginia Water Authority, expressed appreciation to City staff and to Council for working with utility companies to develop standards for paving and street excavation. He emphasized that the Western Virginia Water Authority is fully supportive of the desire of Council to improve the drivability of Roanoke's streets; however, he stated that the Water Authority is concerned about two specific issues; i.e.: the Water Authority does not have adequate staff or equipment to address paving requirements. He stated that in the past, utility cuts in the City of Roanoke were performed by the City's Streets Department; therefore, the Water Authority would like to participate in the City's contract for street paving, particularly milling within the City limits, as a cost saving measure. He called attention to a concern regarding interpretation of the one year warranty on pavement cuts and requested more definition/clarification on warranty cut expiration. He stated that there is also a fear of the unknown and requested that City staff and Council be willing to readdress the issue at a later date if necessary.

John D'Orazio, Executive Vice-President, Roanoke Gas Company, reiterated the remarks of Mr. Robertson. He stated that a primary concern relates to the minimum amount of milling and paving that the Gas Company is required to perform, therefore, it is difficult to obtain bids from contractors on small jobs since most of their cost is in the mobilization and demobilization of equipment. He advised that Roanoke Gas Company, like the Western Virginia Water Authority, would like to participate in the City's paving contract in order to be more cost effective. He expressed appreciation for the opportunity to work with City staff on the proposed utility cut standards and advised that Roanoke Gas Company is in agreement with the proposed standards.

In response to concerns raised by Mr. Robertson and Mr. D'Orazio, George C. Snead, Jr., Assistant City Manager for Operations, advised that the milling issue would only occur on those streets that have a lane line in the center, which significantly simplifies the milling and paving issue since a significant number of utility cuts will occur on neighborhood streets that do not have a center line. He stated that the City was firm on the most important issue; i.e.: a one quarter inch tolerance standard, which will create a more rideable and aesthetically pleasing street; the square footage size for cuts as a threshold to mill and pave was increased to 40 square feet; there is some flexibility in options for fill material because each situation will be different, with the goal of getting the same solid compaction and over paving; an agreement was also reached for a quality control plan that will allow contractors to train their teams working in the streets in accordance with certain basic technology in order to measure the compaction of fill material and pavement; and depth of the bench cut was reduced in certain situations to simplify the process. With reference to participation in the City's paving and milling contract, he advised that City staff is addressing the request and responding to questions in connection with State procurement laws; and other issues are being addressed in regard to scheduling and reinspections and over the next 12 months, it is hoped that the process will work smoothly, timely, with a quality result, without causing a major financial impact on any affected entity. He stated that the goal of the City Manager is to make the process work and if there are components that do not work, staff is committed to addressing the necessary revisions.

Ordinance No. 36854-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36855-092004) A RESOLUTION amending the City's Fee Compendium to provide revised fees for Right of Way Excavation Permits, formerly Street Opening Permits; increasing the fee from \$36.00 to \$50.00 in order to promote uniformity of the City's fees with other comparable jurisdictions; and providing for an effective date of December 1, 2004.

(For full text of resolution, see Resolution Book No. 69, Page 124.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36855-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:



AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the Roanoke Civic Center opened in 1971 as a multi-function venue that included the Coliseum, Exhibit Hall, Parlors, and Auditorium; at the time the facility was constructed, many cities used the terms Parlor and Auditorium to describe areas in public assembly facilities; today, the quality and types of events held at civic facilities have changed the image of public assembly facilities; most facilities no longer refer to parlors, but call these spaces suites or meeting rooms; and many public assembly facilities have changed venue identification from auditorium to more specific terms that better describe the use of the facility, such as theatre, performing arts center, cultural center, etc.

It was further advised that in August 2004, the Roanoke Civic Center Commission was informed of the proposed name changes of the Auditorium and Parlors and the Civic Center Commission was in agreement that the name of the meeting spaces should be changed from Parlors to Meeting Rooms 1, 2, 3, 4, and 5; consideration was given to actually naming the rooms, but the consensus was to keep room identification simple; and the Civic Center Commission also agreed that Roanoke Performing Arts Theatre was a better name for the Auditorium since the City hosts the Roanoke Symphony Orchestra, concerts, Broadway musicals, plays, ballets, and other cultural events; and in order to implement the name changes, approval by Council is required.

The City Manager recommended that Council adopt a measure changing the name of the Parlors to Meeting Rooms 1-5 and changing the name of the Auditorium to Roanoke Performing Arts Theatre, with the name change to be revealed at the first Broadway show of the 2004-2005 season; and announcement of the new name will also be an opportune time to showcase renovations that have been completed, including a refinished stage, new dimming light system, all new seats with a center and cross aisle, and aisle carpeting.

Mr. Cutler offered the following resolution:

(#36856-092004) A RESOLUTION renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre, and renaming the Roanoke Civic Center Parlors A, B, C, D and E as Meeting Rooms 1, 2, 3, 4 and 5.

Mr. Cutler moved the adoption of Resolution No. 36856-092004. The motion was seconded by Mr. Dowe.

Vice-Mayor Fitzpatrick advised that in lieu of using numbers on the Parlors, he would prefer to name the Parlors after localities surrounding the City of Roanoke, which will also speak to the City's pride in the region.

Dr. Cutler concurred in the remarks of Vice-Mayor Fitzpatrick and advised that consideration should also be given to geographic locations, as well as regional names for the meeting rooms. He called attention to publications that currently refer to the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre, even though no formal action has been taken by the Council to rename the facility. He inquired about the rationale behind using British spellings instead of American spellings for such institutions as the Roanoke Riverside Biomedical Research "Centre" as opposed to "Center" and the Roanoke Performing Arts "Theatre" as opposed to "Theater".

The City Manager responded that changing the name of the Roanoke Civic Center Auditorium to the Roanoke Performing Arts Theatre was previously approved by the Roanoke Civic Center Commission prior to requesting the approval of Council; however, it is hoped that patrons of the Civic Center Auditorium will be pleasantly pleased with the new theatre that now has a center isle and other improved accommodations. The City Manager suggested that naming the meeting rooms after Roanoke Valley localities should be referred to the Roanoke Civic Center Commission for recommendation to Council.

Mr. Fitzpatrick moved that Resolution No. 36856-092004 be amended to delete the following: "and renaming the Roanoke City Civic Center Parlors A, B, C, D and E as meeting rooms 1, 2, 3, 4 and 5"; and that the question of naming meeting rooms be referred to the Roanoke Civic Center Commission for report and recommendation to Council. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Cutler offered the following resolution as amended:

(#36856-092004) A RESOLUTION renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre.

(For full text of resolution, see Resolution Book No. 69, Page 125.)

Mr. Cutler moved the adoption of Resolution No. 36856-092004, as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

ACTS OF ACKNOWLEDGEMENT-BRIDGES: The City Manager submitted a communication advising that on February 3, 2003, Council Member Dowe suggested that the City of Roanoke propose that the First Street Bridge be named the Dr. Martin Luther King, Jr., Memorial Bridge; Council discussed the issue inasmuch as the bridge could serve as a history walk to highlight the life of Dr. King and his role in the Civil Rights movement, and could also serve as a teaching tool for the community and as a symbol to bridge the community; and the proposal meets the criteria of the Dr. Martin Luther King, Jr. Committee that was previously appointed by the City Manager to submit recommendations.

It was further advised that on March 3, 2003, a motion was adopted by Council that the newly renovated First Street Bridge be named in memory of the late Dr. Martin Luther King, Jr., and that the City work with the Southern Christian Leadership Conference (SCLC) with regard to design elements; and citizens in the audience were offered an opportunity to address the motion, following which the motion was adopted by Council.

The City Manager recommended that Council adopt a measure authorizing the City Manager to contact the Dr. Martin Luther King, Jr., Center for Nonviolent Social Change for consent to the naming of the First Street Bridge in honor of Dr. King, as well as proposed design elements.

Mr. Fitzpatrick offered the following resolution:

(#36857-092004) A RESOLUTION designating and renaming the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge.

(For full text of resolution, see Resolution Book No. 69, Page 125.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36857-092004. The motion was seconded by Mr. Dowe.

Mr. Bob Caudle, 4231 Belford Street, S. W., spoke in support of naming the First Street Bridge in honor of Dr. Martin Luther King, Jr., and advised that the City should also consider naming something in honor of Oliver White Hill, a local civil rights leader. He mentioned the possibility of naming the First Street Bridge in honor of both Dr. King and Mr. Hill since both men worked toward the same goals.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern that Council's action to name the First Street Bridge in honor of Dr. King was approved without input by the community. She stated that it is understood that all of the people cannot be pleased with Council's actions all of the time, but the procedure that was used in naming the bridge was out of character and has caused much discussion and discontent within the community.

She further stated that the issue was discussed once again at a 9:00 a.m. work session of the Council, no member of the Martin Luther King Memorial Committee was in attendance; the matter is currently on the Council's agenda and no member of the Memorial Committee is present, except a member of City Council who serves on the Committee. She added that no formal City Planning Commission or City Council public hearing was conducted where citizens could provide input; the Memorial Committee was appointed by the City Manager, and there is no documentation that the Committee had an opportunity to vote on the recommendation before Council voted to name the First Street Bridge in honor of Dr. King. She stated that it would appear to be in order to obtain permission from the Martin Luther King Jr. Center for Non Violent Social Change before Council formally acts to name the First Street Bridge in honor of Dr. King.

Council Member Cutler, a member of the Martin Luther King Memorial Committee, called attention to an informal agreement by the King family to use Dr. King's name for the First Street Bridge. He inquired if installation of the memorial statue and other memorial items have been authorized; whereupon, the City Manager responded that Council at its last work session identified the methodology by which the bridge is to be renovated for pedestrian use, with significant parts of the bridge to be rehabilitated as opposed to being replaced; City staff is in the process of identifying available funding and the goal is to bid renovation over the next several months. She stated that the City will then address which specific elements can be afforded from those that were recommended by the Martin Luther King, Jr. Memorial Committee, and which components could be postponed until a later date and/or until some type of fund raising effort is initiated. She added that at the request of Council, she has corresponded with Congressman Bob Goodlatte requesting his assistance to secure Federal funding to assist in the purchase and installation of certain additional items since the original allocation by Congress would not be appropriate for a pedestrian bridge.

Council Member Dowe advised that it would be virtually impossible to honor a man such as Dr. King with the naming of anything, therefore, the question is, what would be proper and fitting; there is a growing frustration throughout the community that the City of Roanoke has not named anything in honor of Dr. King heretofore; and whenever an attempt is made to honor Dr. King, it will always touch on the heart of every individual. He stated that he has received many forms of communication that support the direction of the City to rename the First Street Bridge in honor of Dr. King, and the general consensus of the community as a whole is that the naming of the First Street Bridge is a good faith attempt to name something after a man who has meant so much to so many people. If all correct procedures and protocol have been followed, he encouraged that progress not be stagnated on the project. He expressed respect for Ms. Bethel's opinion and encouraged her to call him with regard to specific concerns.

Council Member Wishneff advised that he supports the naming of the First Street Bridge in honor of Dr. King, but he found the City Manager's communication to be lacking in information. He inquired if a specific process was followed to reach this point.

The City Manager responded that the City adheres to an informal procedure that naming opportunities are directed to the City Planning Commission for a recommendation to City Council; however, this was a significantly different issue and is not the request of an individual or an organization for a name change, but is an item that was initiated by the Council. She stated that in 2003, the Council unanimously voted to name the First Street Bridge the Martin Luther King, Jr. Memorial Bridge, and the bridge has been referred to in many ways since that time as though the naming had formally occurred. She advised that the City Attorney pointed out at a recent Council work session that the Council had not made the official request for the name change to the organization that has approval rights, although Dr. Pernella Wilson, acting in her capacity as local President of the Southern Christian Leadership Conference, has discussed the matter with certain individuals and has received the assurance that the necessary approval will be forthcoming. She indicated that the City Attorney is of the opinion that there should be a more official acknowledgment of the name change inasmuch as Council generally acts through resolution; therefore, for that reason, the item was placed on the Council's agenda and also accounts for the brevity of the communication.

Resolution No. 36857-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris:-----7.

NAYES: None-----0.

**CITY CODE-REFUSE COLLECTION:** The City Manager submitted a communication advising that City Code Section 21-204 indicates that "At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the city, and in the public interest, noise should be restricted. It is therefore the policy of the city to reduce noise in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power".

The City Manager further advised that the servicing of privately owned bulk containers (dumpsters), as well as the use of roll-off containers, throughout the City of Roanoke, needs to be done during hours of the day that would be less objectionable to the community; therefore, an amendment to the Solid Waste Ordinance (Section 14.1) of the City Code has been developed that would limit the servicing all bulk containers and roll-offs to between the hours of 6:00 a.m. and 12:00 a.m.

The City Manager recommended that Council adopt a measure which will limit the time that bulk containers may be serviced, effective immediately.

Mr. Dowe offered the following ordinance:

(#36858-092004) AN ORDINANCE amending and reordaining §14.1-1, Definitions, of Article I, In General, by adding the definition of roll-off container, and amending and reordaining Division 2, Private Collection of Bulk Containers, of Article II, Collection by an Authorized Person, by the addition of new section 14.1-46, Removal and emptying of bulk containers and roll-off containers, of Chapter 14.1, Solid Waste Management, Code of the City of Roanoke (1979), as amended, by specifying the time roll-off containers may be removed and solid waste may be emptied from bulk containers; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 126.)

Mr. Dowe moved the adoption of Ordinance No. 36858-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

**DONATIONS/CONTRIBUTIONS-ART ACQUISITION:** The City Manager submitted a communication advising that as a result of a recent meeting initiated by Mayor Harris with representatives of the Roanoke Arts Commission and the artist of the Unity sculpture, an agreement was reached on the terms of placement of the Unity Sculpture at Elmwood Park, as recommended by the Roanoke Arts Commission.

The City Manager recommended that she be authorized to execute an agreement with JDR ART, Inc., for installation of the Unity Sculpture in Elmwood Park, subject to approval as to form by the City Attorney.

Mr. Fitzpatrick offered the following resolution:

(#36859-092004) A RESOLUTION accepting the donation of a work to be known as the Unity Sculpture, upon certain terms and conditions, approving the location for the Unity Sculpture in Elmwood Park and authorizing the City Manager's execution of an agreement with JDR ART, Inc., in connection with fabrication and installation of the sculpture.

(For full text of resolution, see Resolution Book No. 69, Page 128.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36859-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

At 3:40 p.m., the Mayor declared the Council meeting in recess for a Closed Session to interview one applicant for a vacancy on the Architectural Review Board.

At 4:05 p.m., the Council meeting reconvened in the Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

#### INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: Mr. Fitzpatrick offered the following resolution reappointing Charles E. Hunter, III, as a Director of the Industrial Development Authority for a four year term commencing October 21, 2004 and ending October 20, 2008.

(#36860-092004) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

(For full text of resolution, see Resolution Book No. 69, Page 129.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36860-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

COUNCIL: Mr. Cutler offered the following resolution changing the time of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004, from 9:00 a.m. to 12 noon.

(#36861-092004) A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004.

(For full text of resolution, see Resolution Book No. 69, Page 129.)

Mr. Cutler moved the adoption of Resolution No. 36861-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BRIDGES: Vice-Mayor Fitzpatrick called attention to the need for repairs to the bridge railing at the Masons Mill Wheel, and deterioration of the sidewalk on Wasena Bridge.

PARKS AND RECREATION-CITY COUNCIL: Council Member Dowe commended the City Manager on her expedient response to his inquiry regarding an air conditioning system for the Eureka Park Recreation Center.

CELEBRATIONS-SPECIAL EVENTS: Council Member Dowe commended EventZone in connection with The Taste of the Blue Ridge Blues and Jazz Gala which was held at The Hotel Roanoke on September 17, 2004.

SPECIAL EVENTS: Council Member Dowe expressed concern with regard to a recent newspaper article relative to the date that Halloween will be observed in the City of Roanoke during the year 2004, which indicated that a decision had been made with the approval of Council to not change the date of the official observance. However, he stated that he was not aware that the Council, as a body, had taken an official position. He asked that all Members of the Council be privy to information that involves the Council as a body.

ARMORY/STADIUM-SPORTS ACTIVITIES: Council Member Lea expressed appreciation to the citizens of Roanoke and to the City Manager for their support of the Western Virginia Education Classic which was held on Saturday, September 11, 2004. He also expressed appreciation to City staff for their efforts to prepare the Victory Stadium field for football which also involved parking needs and other logistical issues.



Mr. Lea inquired about the feasibility of placing the responsibility of managing Victory Stadium under the direction of the City's Department of Parks and Recreation in view of the controversy over recent decisions to cancel high school football games due to the condition of the Victory Stadium field. He stated that it would appear that the Department of Parks and Recreation would have a better understanding of the condition of the field and should be the City department to work with school officials, athletic directors and coaches to make decisions regarding the condition of the Victory Stadium field.

Council Member Wishneff reiterated the remarks of Mr. Lea and expressed concern that the City is quick to cancel football games due to inclement weather and the playability of the Victory Stadium field.

George C. Snead, Jr., Assistant City Manager for Operations, advised that it was challenging to satisfy all users of the Victory Stadium field in the kind of weather conditions that the Roanoke Valley experienced during the past two weeks. He stated that based on weather reports on Thursday, September 16, 2004, there was dialogue between School officials and the Event Manager at the Roanoke Civic Center, and it was determined that if the football game had been played on Friday night, there would have been substantial damage to the Victory Stadium field; if there was error, it was made on the side of being overly cautious and a decision was made too quickly from both a School and a Civic facilities perspective that the football game would not be played on Friday or Saturday night (September 17 and 18, 2004). He stated that he was not familiar with any discussions in connection with rescheduling the football game to another date.

Mr. Lea questioned decision making at the high school level as to why the football game was not played on Thursday night. He advised that it was reported that a volleyball game was to be played on Thursday evening and no one wanted to disrupt the game; however, a volleyball game would have attracted a different crowd, therefore, both the volleyball game and the football game could have been played. He stated that unfortunately, William Fleming High School seems to bear the brunt of these types of decisions; last year William Fleming experienced problems with the rescheduling of play off games due to inclement weather, and on Monday night the William Fleming football team will play a difficult opponent away from home. He advised that the scheduling situation is not the fault of the City administration, but the School administration, and athletic directors should work together.

Without objection by Council, the Mayor advised that the question raised by Council Member Lea to place Victory Stadium under the direction of the Department of Parks and Recreation will be referred to the City Manager for report.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**COMPLIANTS-BRIDGES:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to the Proclamation declaring the month of October as Building Character Month in the Roanoke Valley. She advised that one of the character building traits mentioned in the Proclamation is respect; therefore, the failure of Council to consider the input of citizens and to provide an opportunity for citizens to voice an opinion is disrespectful. She referred to an article that was recently published in a City publication that listed various festivals to be held throughout the City of Roanoke, however, the Henry Street Festival, which is an event that has been held in the City for approximately the last 15 years was omitted. She stated that the Henry Street Festival will be held on September 25 - 26, 2004; references are periodically made at Council meetings with regard to various other festivals, however, no mention has been made about the Henry Street Festival, yet today, Council voted to name the Henry Street Bridge, or the First Street Bridge, in honor of Dr. Martin Luther King, Jr. She added that homes are being constructed in the City of Roanoke costing in the range of \$1 million, or more, when some Roanoke residents work in excess of eight hours a day and cannot afford a \$40,000.00 house. She asked if Roanoke will be a City of the "haves" and the "have nots".

**PAY PLAN-COMPLAINTS-REFUSE COLLECTION-CITY EMPLOYEES:** Mr. Robert E. Gravely, 729 Loudon Avenue, N. W., advised that downtown Roanoke is losing money because most citizens residing in the City of Roanoke either live on a fixed income, or in a state of economic disadvantage. He spoke with regard to insufficient wages and working conditions for City employees in the Departments of Sanitation and Grounds Maintenance, etc., compared to those City employees who work in an office environment. He stated that the average worker cannot afford to purchase a house in the City of Roanoke, and it is the responsibility of City Council to bring the City to a standard of living that ensures quality of life for all citizens.

#### **CITY MANAGER COMMENTS:**

**GRANTS-HUMAN RESOURCES:** In response to a question raised earlier in the meeting by Council Member Lea, the City Manager reported that the Runaway and Homeless Youth Program has served 33 young people this year.

**STATE OF THE CITY REPORTS:** The City Manager advised that the Mayor's State of the City Address, which was presented on Tuesday, September 14, 2004, will be televised on RVTv Channel 3 on Wednesday, September 22 at 9:00 a.m. and 6:00 p.m., and on Wednesday, September 29 at 9:00 a.m. and 6:00 p.m., and can be viewed on the City's web site.

**CITY INFORMATION SYSTEMS:** The City Manager invited Council Members and the citizens of Roanoke to visit the City's new web site which is more user friendly than the previous web site.

**ROANOKE CIVIC CENTER:** The City Manager presented a calendar of events for the month of October 2004 at the Roanoke Civic Center.

**CITY COUNCIL-SPECIAL EVENTS:** In response to a concern previously raised by Council Member Dowe with regard to the date of official observance of Halloween 2004 in the City of Roanoke on Sunday, October 31, 2004, the City Manager advised that the response in the newspaper article should not be attributed to the City Council, but to the City Manager. She extended an apology to the Members of Council if she erred in making the decision without the involvement of Council.

At 4:55 p.m., the Mayor declared the Council meeting in recess for a briefing on the Housing Strategic Plan and continuation of the Closed Session.

The Council meeting reconvened in the Council's Conference Room.

**HOUSING/AUTHORITY:** The City Manager advised that Council previously engaged the firm of K. W. Poore & Associates, Inc. and Development Strategies, Inc., to develop a Housing Strategic Plan for the City of Roanoke. She introduced Kenneth Poore and David Whitlow to present a status report on the work of the consultants to date.

It was advised that:

- The Housing Strategic Plan is intended to develop strategies to upgrade the overall quality and quantity of housing in order to stabilize population, improve neighborhoods, use existing infrastructure, provide greater diversity and choice, promote market rate housing and increase ownership.
- Major findings include a slight increase in the number of housing units, aging housing stock, residents pay a larger percentage of income, there are relatively smaller units, lower valued housing units, a lower ownership rate, a declining population, vacant units, lower income, significant replacement activity, and South Roanoke has the highest values in the region and fewer days on the market.

- Challenges and opportunities include perceptions that are positive, i.e.: a pleasant environment, affordable, good value, diverse, safe, and an urban center; and perceptions that are negative, i.e.: obsolete housing, new housing is not as desirable as in the suburbs, schools, limited opportunities for new development, private risk takers and lack of market rate housing.
- Guiding principles include the private sector, maintain affordable housing, comprehensive, improving quality of housing and the time element inasmuch as there will not be an overnight fix.
- Urban advantage examples: Greater Raleigh Court, Crystal Springs and Old Southwest which are currently working well; likely investment areas include Marshall and Day Avenues, parking lots and Campbell Avenue, and the South Jefferson Redevelopment area; strategic neighborhoods include Historic Gainsboro, Southeast by Design, City suburban/neo-traditional and Hurt Park.
- Groups that will be targeted are young professionals, returning families, empty nesters and active seniors.
- Next steps in the study include a community forum, preparation of a final plan and strategies, and adoption by the City Planning Commission and Council.

#### Discussion:

- Strategies will involve specifics such as the level of targeting annual numbers which are believed to be achievable in terms of types of housing that the City might be able to capture; a series of conceptual designs will be provided; and priorities that are doable in the context of the housing plan, but before details are developed, it is important to ensure that the consultant is moving in the right direction.
- There will be coordinated efforts regarding infrastructure, recommendations on where to make investments in such things as streets and sidewalks, curbs and gutters; the role of organizations such as the Roanoke Redevelopment and Housing Authority, and the consultant will identify programs of a similar nature that have worked well in other communities.

- There will be action plans for each of the respective targeted neighborhoods, or venues of housing, that are recommended by prioritizing in order to help Council make broad decisions by addressing the budget, commitment, time line, and perimeters of the plan.
- The private sector can be activated through the City's investment in infrastructure which shows commitment to a neighborhood, or a willingness to go into a specific neighborhood and make broad changes in a number of ways, or by making certain types of funds available for various programs.
- Cities traditionally partner with the private sector to garner investment dollars through: first, the assemblage of land that can be leveraged, as far as a housing developer is concerned, to make the land more attractive for investment to occur; second, infrastructure improvements; and third, economic incentives, building permits or certain other types of amenities that are forgiven, by directing loans through a development corporation which is formed by the City, whether it be a current authority or a separate CDC in which monies can be channeled in both new developments, as well as revitalization of certain existing areas through rehabilitation loan funds and grant funds.
- A variety of recommendations will be made that can be enacted and prioritized to enable the City to get the most out of any investment dollar.
- The economic growth of the community will be a driving force.

Council Member Wishneff offered a challenge that the consultants think boldly when submitting its recommendations. He stated that a public relations, or a marketing vehicle, is needed to educate the community about what the City is trying to do; developers throughout the country are looking within cities for housing and interesting buildings; however, the problem for the City of Roanoke is that many of the City's most interesting and best buildings are located in the flood plain. He advised that certain neighborhoods should be better organized, and referred specifically to the Southern Hills and the Cove Road/Peters Creek Road areas, where there appears to be much vacant and scattered land, roads that need to be connected, and other areas in the City that appear to be "hit and miss" in terms of development. He asked that special consideration be given to the Wasena neighborhood which is the most distressed and some parts of Old Southwest that have great potential.

The City Manager called attention to two opportunities in the immediate future that will enable the City to be both bold and to set the tone for the strategic housing plan. She referred specifically to the Colonial Green project on Colonial Avenue and proposed housing opportunities on Peakwood Drive. She stated that if the City of Roanoke does not demonstrate a commitment to the community to develop new and different types of housing, Roanoke will experience a major setback to whatever comes out of the strategic housing plan study.

Vice-Mayor Fitzpatrick advised that the City of Roanoke does not have the level of growth that is needed to sustain the kind of economic opportunity that is necessary for residential development in the City, or in the Roanoke Valley; therefore, there is a need to coordinate with other governments on a plan to create more jobs and other opportunities, which will be the best approach to new infill housing, new development, and revitalization of Roanoke's current neighborhoods.

The Mayor concurred in the remarks of Council Member Wishneff and advised that the Wasena neighborhood is sandwiched between Old Southwest and Raleigh Court which are two healthy neighborhoods; and the Wasena neighborhood has the potential for a neighborhood commercial village in the Main Street area, which is currently in a distressed state but has the potential to become far more. He stated that the Hurt Park neighborhood is the most intriguing and interesting because of the presence of various types of housing structure, i.e.: the former mansions on Patterson Avenue; therefore, he expressed a particular interest in the recommendations of the consultant for the Hurt Park neighborhood which will be more challenging than some of the other neighborhoods.

If the City of Roanoke is to attract young families with children, the Mayor stated that another issue to be considered is school district attendance zones. He requested input by the consultant relative to how attendance zones are configured and their impact, either positively or negatively, upon the viability of housing in the neighborhoods.

Mr. Whitlow advised that schools and school attendance districts are outside of the scope of the housing study, however, general guidelines can be provided that could change the way that schools are perceived, and the concept of neighborhood schools appears to be key to the success of many cities.

Following receipt of the report of the consultant, the Mayor advised that there should be a discussion between Council leadership and School Board leadership as to whether Roanoke's school attendance zones are creating the kind of sustainable neighborhoods that the City is striving to achieve.

The City Manager asked that Council encourage citizens to attend focus group and community meetings to provide their input into the Housing Strategic Plan.

At 5:45 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 7:00 p.m., on Monday, September 20, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-SPORTS ACTIVITIES-SCHOOLS: The Mayor and Members of Council commended the Patrick Henry High School Boys Tennis Team as undefeated Western Valley District Champions for 2004, and winners of the first tennis team State title in the history of Patrick Henry High School, with a 20 - 1 overall record.

The Mayor advised that the tennis team consists of Robert Edwards, Chris Hincker, Joseph Salamoun, Ryan Luckay, Alex Hincker, Tyler Early, Sandy Huff, Brock Newton, Tom Raney and Giles Roberts. He stated that during the 2004 tennis season, several team members won district and regional competitions, i.e.: Brock Newton defended his Northwest Regional single's title, Brock Newton and Tyler Early were four-time district and regional doubles champions, Brock Newton and Tyler Early won the State doubles title, Bo Edwards and Chris Hincker reached State quarterfinals in doubles, and Tyler Early reached State quarterfinals in singles.

On behalf of the Members of Council and citizens of the City of Roanoke, the Mayor commended the tennis team and Head Coach Joel Higham and Assistant Coach Chris Newton.

Mr. Dowe offered the following resolution:

(#36844-092004) A RESOLUTION paying tribute to the Patrick Henry High School Boys Tennis Team as the undefeated Western Valley District Champions for 2004.

(For full text of resolution, see Resolution Book No. 69, Page 111.)

Mr. Dowe moved the adoption of Resolution No. 36844-092004. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to each team member and coach.

## PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Maryellen F. Goodlatte, representing The Branch Family, LLC, that three tracts of land located on Franklin Road, S. W., identified as Official Tax Nos. 1150104, 1150102 and 1150112, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Along Franklin Road to the east is a Fast Fare gas station zoned C-2, General Commercial;



- Along Franklin Road to the west is the Soccer Stop retail store zoned C-2, General Commercial; abutting Official Tax No. 1150104 to the northwest is Official Tax No. 1150106, which has a warehouse use and is split zoned C-2, General Commercial District, and LM, Light Manufacturing District;
- To the north, across the Norfolk Southern right-of-way are two large parcels of land zoned LM, Light Manufacturing District, which have various light industrial and warehousing uses; and
- Across Franklin Road is a vacant parcel of land zoned C-2, General Commercial District.

It was further advised that the request for rezoning is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- *Impervious surface reduction:* Limit the amount of impervious surfaces to reduce runoff;
- *Commercial development:* Identify underutilized commercial sites and promote revitalization;
- *Area plan initiative:* Explore redevelopment of areas identified for industrial, commercial, or mixed-use development along Franklin Road between the South Jefferson Redevelopment Area and Wonju Street;
- *Curb cuts:* Curb cuts should be minimized along commercial corridors; and
- *Street trees:* Trees are an essential element of the streetscape and should be planted along all non-suburban streets.

It was noted that the future land use map of the *Franklin Road/Colonial Avenue Area Plan*, adopted by Council in June 2004, shows the subject parcels as light manufacturing uses; and the plan states the importance of:

- *Commercial centers:* Identify or create nodes along Franklin Road for commercial centers; concentrations of small-to-medium-sized commercial establishments.

It was advised that the total area of the three subject parcels is 35,481 square feet; the principal structure is a 7,175 square foot building; the front of the building is a retail/office space with a warehouse area in the back; a phone assembly and repair business occupies the building and there are no accessory structures on the subject parcels; "downzoning" the subject parcels to allow for commercial uses is consistent with the surrounding land uses along the north side of the 2200 block of Franklin Road; uses include a beauty salon, gas station, and a retail store; in addition, there has been a trend toward converting industrially zoned property to commercially zoned property; over the last nine years, there have been two conditional rezoning amendments from LM, Light Manufacturing District, to C-2, General Commercial District, along the block-face; the first rezoning in July 1995 was for the Soccer Stop retail store abutting the subject parcels to the west; the second amendment was to rezone a 7.292 acre multi - parcel zoning in December 2002 on the corner of Franklin Road and Wonju Street from LM to C-2; Ore Branch flows through the subject properties, with the principal structure straddling both sides of the banks of the creek; a large portion of the principal structure is in the floodway and the 100-year floodplain; any redevelopment or change of use will be subject to compliance with the Floodplain Zoning Regulations in the Zoning Ordinance and related provisions of the building code; in addition, regulations of the floodway limit redevelopment options for the placement of new or replacement structures on the site, or additions to existing structures on the parcels; and staff is of the opinion that Floodplain Zoning Regulations adequately ensure proper floodplain management of the subject parcels.

It was further advised that the proffered site plan illustrates development improvements including a reduction in the width of existing curb cuts, a reduction in parking surface area and replacement with a landscaping buffer along Franklin Road, and elimination of an existing parking area directly in front of the building; and the petitioner has proffered to plant a tree every 50' feet within the landscaping buffer area.

The City Planning Commission recommended approval of the request for rezoning, with proffered conditions, given the prevailing land use pattern.

Mr. Fitzpatrick offered the following ordinance:

(#36862-092004) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 115, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 130.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36862-092004. The motion was seconded by Mr. Cutler.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36862-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Joe and Annette Macione that a tract of land located at 677 Brandon Avenue, S. W., identified as Official Tax No. 1270801, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Norfolk Southern right-of-way is located to the north zoned LM, Light Manufacturing;
- Adjacent to the subject parcel along Brandon Avenue to the east is Uptown Audio retail store, zoned, C-2, General Commercial; to the west is A Cleaner World dry-cleaners, zoned LM, Light Manufacturing; and
- Located across Brandon Avenue is Towers Shopping Mall, zoned C-2, General Commercial.

It was further advised that the request for rezoning is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

*Impervious surface reduction:* Limit the amount of impervious surfaces to reduce runoff;

- *Curb cuts:* Curb cuts should be minimized along commercial corridors;
- *Street trees:* Trees are an essential element of the streetscape and should be planted along all non-suburban streets;
- *Signs:* Visual clutter should be discouraged; and
- *Commercial development:* Commercial development should be concentrated at key intersections.

It was advised that the total land area of the subject parcel is 18,326 square feet; the principal structure is a 1,856 square foot building; a three-bay auto repair garage/gas station currently occupies the building; and under the conditional rezoning, current uses of a service station and gas station would become legally non-conforming uses.

It was further advised that the future land use map of the Franklin Road/Colonial Avenue Area Plan, adopted by Council in June 2004, shows the subject parcel as a general commercial use; the 600 block of Brandon Avenue is occupied by various restaurants and retail and service establishments; proffered uses are compatible with the prevailing land use pattern on the block-face and in Towers Shopping Mall; Planning staff believes that a commercial rezoning with conditions is a suitable zoning district for the parcel of land given its location along the Brandon Avenue commercial corridor and its proximity to a large shopping center; with proffered conditions, the application of C-2, General Commercial District, is appropriate; proffers provide reassurance that the subject parcel of land would be reused or redeveloped in a consistent manner with the principals of *Vision 2001-2020*; and limitations on use, reduction in width of the existing curb cuts, a limitation of sign area to approximately half of the allowable square footage, a five foot landscaping buffer, and trees along the streetscape are positive steps toward successful reuse of the property.

The City Planning Commission recommended that Council approve the request for rezoning, with conditions, given the petition's consistency with *Vision 2001-2020*.

Mr. Dowe offered the following ordinance:

(#36863-092004) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 127, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 131.)

Mr. Dowe moved the adoption of Ordinance No. 36863-092004. The motion was seconded by Mr. Fitzpatrick.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her clients.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning.

Ms. Brenda Simmons, owner of property located at 673 - 675 Brandon Avenue, S. W., which is located next door to the property proposed to be rezoned, expressed concern with regard to whether or not customers of the proposed restaurant will use her property for parking.

Ms. Goodlatte advised that she would respond to Ms. Simmons concerns; however, she offered the assurance that without Ms. Simmons consent, no vehicles will be allowed to park on her property. She stated that it is intended to convert an old service station into a Memphis-style barbeque restaurant, numerous conditions have been proffered, including a new landscape buffer along Brandon Avenue, curb cuts and limited signage on Brandon Avenue.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36863-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Paul and Sharon Crawford that certain tracts of land located on Church Avenue, S. E., between 11<sup>th</sup> and 12<sup>th</sup> Streets, identified as Official Tax Nos. 4111409 - 4111417, inclusive, be rezoned from LM, Light Manufacturing District, to RM-1, Residential Multi-family, Low Density District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Eight vacant parcels located in the same block abutting the subject parcels along the rear property lines to the north and fronting on Kirk Avenue, which are zoned LM, Light Manufacturing District;
- Across 12<sup>th</sup> Street to the east is a single-family house zoned LM, Light Manufacturing District;
- On the south block-face of Church Avenue are vacant parcels, a single-family dwelling, and two duplexes zoned RM-1, Residential Multifamily, Low Density District; and
- Across 11<sup>th</sup> Street to the west is an electrical contractor's business zoned LM, Light Manufacturing District.

It was advised that the request is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- *Housing Stock:* New residential development is constrained by the limited number and size of available sites;
- *Housing opportunities:* Sustainable neighborhoods require a competitive mix of affordable and market-rate housing opportunities; and
- *Traditional neighborhoods:* Houses should be consistent in terms of front yard setback and bulk.

It was further advised that the future land use map of the *Belmont-Fallon Neighborhood Plan*, adopted by Council in January 2003, shows individual uses for the 1100 block of Church Avenue; however, it is important to note the following sections of the plan that help support the petition:

- *Improve housing:* At community workshops, participants cited the need to improve housing conditions as the highest priority for the neighborhood;
- *Housing Development:* Future housing development should promote income diversity by focusing on market-rate housing and by encouraging home ownership;
- *Develop vacant lots:* Many of the vacant lots (about 400) are good opportunities for new housing development;

- *Building location:* Established building line of existing development should be used to guide placement of infill dwellings;
- *Change industrial zoning:* Where zoning is industrial, but the primary use is likely to remain residential, change zoning to a residential district;
- *Market-rate housing:* The primary focus for new development will be on market-rate housing, given current supplies of affordable housing in the neighborhood;
- *Design:* New structures must be well-designed and compatible with existing buildings; and
- *Zoning changes:* Initiate zoning changes to support housing revitalization.

The City Planning Commission noted that there are currently two single-family houses located on opposite ends of the block face; the single-family dwellings are legally non-conforming uses; one structure is a one-story, 864 square-foot building set approximately 20 feet from the street; the second structure is a two-story, 1,337 square-foot building set approximately ten feet from the street; the proffered condition provides that new dwellings will have a building line consistent with the existing houses on the block face; the petition provides “downzoning” the subject parcels to a residential district which is compatible with the existing land use and zoning pattern facing the subject parcels on the south side of Church Avenue; single-family dwellings are the predominant land use in the 1200 block of Church Avenue; the petitioner plans to retain the two existing structures and construct three new dwellings on the original platted lots; the six vacant parcels have a total frontage of 195 feet; given the minimum lot frontage requirement of 50 feet in the RM-1, Residential Multifamily, Low Density District, a total of three principal dwellings can be constructed on the parcels; duplexes and townhouses are allowed only by special exception in a RM-1 district; the three proffered conditions by the petitioner ensure that new dwellings will be compatible with the massing and set-backs of the existing structures; and the proffer adopting the majority of the neighborhood design standards will provide for quality new development.

The City Planning Commission recommended approval of the request for conditional rezoning, given the petition’s proffered conditions and consistency with the prevailing land use pattern.

Mr. Dowe offered the following ordinance:

(#36864-092004) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 411, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned CN, Neighborhood Commercial District; and dispensing with the second reading by title of this ordinance.

(For Full text of ordinance, see Ordinance Book No. 69, Page 133.)

Mr. Dowe moved the adoption of Ordinance No. 36864-092004. The motion was seconded by Mr. Fitzpatrick.

Mr. Paul Crawford, Petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36864-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Habitat for Humanity that a portion of a ten-foot alley, adjoining Official Tax Nos. 2130504-2130506, inclusive, and 2240102, and lying parallel to 12<sup>th</sup> Street, N. W., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

A communication from Thomas J. Dalzell, Board of Directors, Habitat for Humanity in the Roanoke Valley, requesting that the public hearing be continued until March 2005, was before Council.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he advised that without objection by Council, the public hearing will be continued until March 2005.



EASEMENTS–HOSPITALS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed vacation of three water line easements, one sanitary sewer easement and one ingress/egress easement located at 1906 Belleview Avenue, S. E., in connection with expansion of the Carilion Medical Center facility known as Carilion Roanoke Memorial Hospital, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 10, 2004.

The City Manager submitted a communication advising that owners of property located at 1906 Belleview Avenue, S. E., identified as Official Tax No. 4060301, have requested that the City vacate water, sanitary sewer, and ingress/egress easements on the property; Carilion Medical Center will undergo a major expansion of facilities on the site which will necessitate that existing water and sanitary sewer lines be removed and relocated; subject easements are no longer needed since the sanitary sewer and water lines will be relocated to new easements that will be dedicated to the Western Virginia Water Authority in locations consistent with the proposed facility expansion; a plat attached to the communication shows an existing ingress/egress easement to be vacated, which easement is no longer needed by the City since the City does not own the property formerly served by the easement; and the plat has been reviewed by, and is acceptable to, the City Engineer.

The City Manager recommended that she be authorized to execute the appropriate documents vacating the existing water, sanitary sewer, and ingress/egress easements, with owners of the property to be responsible for preparation of all necessary documents, to be approved as to form by the City Attorney.

Mr. Cutler offered the following ordinance:

(#36865–092004) AN ORDINANCE authorizing the vacation of an ingress/egress easement and the vacation of certain water and sanitary sewer easements across Tax Map No. 4060301, located at 1906 Belleview Avenue, S. E., in exchange for new water and sanitary sewer easements which will be dedicated to the Western Virginia Water Authority, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 134.)

Mr. Cutler moved the adoption of Ordinance No. 36865–092004. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or discussion by Council Members, Ordinance No. 36865-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

BUDGET-TOTAL ACTION AGAINST POVERTY-MILL MOUNTAIN THEATRE-MUNICIPAL BUILDING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to consideration of an adjustment to the City of Roanoke Fiscal Year 2004-2005 Budget, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 10, 2004; and in *The Roanoke Tribune* on Thursday, September 16, 2004.

The City Manager submitted a communication advising that Section 2-189 of the City Code establishes a reserve from the year-end General Fund balance for the funding of capital improvements and capital maintenance and equipment replacement; the amount reserved from the undesignated fund balance is calculated as ten per cent of total General Fund appropriations, less any sums paid for general debt service during the fiscal year; CMERP funding available for appropriations totals \$1,501,240.00; revenue for the Commonwealth of Virginia will increase \$436,000.00 above the estimate established with adoption of the fiscal year 2004-2005 General Fund budget; the total of all funding sources available for appropriations is \$1,937,240.00; and, in addition, \$1,100,000.00 of residual equity from the close-out of the Water and Sewer funds needs to be appropriated from the Capital Project Fund balance to the Municipal Building North Renovations project.

It was further advised that during fiscal year 2003-2004, funding in the amount of \$95,022.00 was transferred from the Fire-EMS Facility Improvement Program project to the Police Building Phase II project to facilitate building design and property acquisition needs, which funding needs to be restored to the Fire-EMS project account from funding appropriated in advance of bond issuance; funding in the amount of \$145,000.00 budgeted in the National Pollution Discharge Elimination System (NPDES) project account will be used by Transportation - Streets and Traffic for contracted services for storm drain maintenance/repair and purchase of a storm drain trailer unit;

Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of the total General Fund appropriations for the concluded fiscal year; as such, at June 30, 2004, \$250,000.00 was reserved in the General Fund for self-insured liabilities; and a list of CMERP funding recommendations which is attached to the communication addresses the following categories:

• Contributions	\$ 350,500.00
• Carryover Funds	109,680.00
• Capital Improvements	1,111,000.00
• Equipment	116,060.00
• Technology	150,000.00
• Fleet Management	100,000.00
 Total	 \$1,937,240.00

It was explained that department CMERP funding requests totaled approximately \$8.9 million, excluding technology and vehicular related items; requests for technology related items/initiatives totaled an additional \$3.2 million; technology requests are reviewed and prioritized by the Information Technology Committee and a separate report will recommend appropriation of funds for technology needs; and all vehicular requests are reviewed by the Manager of Fleet Management and evaluated based upon an approved set of replacement criteria.

The City Manager recommended the following:

Authorize the Director of Finance to make the following revenue adjustments in the amount of \$436,000.00:

Recordation Tax (001-110-1234-0600)	( 30,000.00)
Alcohol Beverage Control Tax (001-110-1234-0601)	( 41,000.00)
Wine (Liter) Tax (001-110-1234-0602)	( 6,000.00)
Commonwealth's Attorney (001-110-1234-0610)	21,000.00
Sheriff/Jail (001-110-1234-0611)	150,000.00
Commissioner of the Revenue (001-110-1234-0612)	6,000.00
Treasurer (001-110-1234-0613)	6,000.00
Street Maintenance (001-110-1234-0650)	113,000.00
City Jail Block Grant (001-110-1234-0651)	287,000.00
Local Law Enforcement (001-110-1234-0658)	( 70,000.00)

Appropriate \$1,100,000.00 from Capital Projects Fund Balance to the Municipal North Renovation project; transfer funding in the amount of \$95,022.00 from the NPDES Project, Account No. 008-530-9678-9003, transfer funding in the amount of \$145,000.00 from the NPDES Project, Account No. 008-530-9736-9003 to a new account to be established in the Capital Projects Fund; appropriate \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund representing the transfer; and that Council concur in CMERP funding recommendations and appropriate funds to the proper accounts as more fully set forth in an attachment to the communication.

Mr. Dowe offered the following ordinance:

(#36866-092004) AN ORDINANCE to appropriate funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and to make other funding appropriations and transfers, amending and reordaining certain sections of the 2004-2005 General, Civic Facilities, Capital Projects, Fleet Management and Risk Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 135.)

Mr. Dowe moved the adoption of Ordinance No. 36866-092004. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

John Jesse, representing Mill Mountain Theatre, expressed appreciation for the City's efforts to provide \$50,000.00 for a capital project to be undertaken by Mill Mountain Theatre to upgrade the performance stage which will have long term benefits for the citizens of the City of Roanoke. He stated that he would be remiss if he did not point out that a \$50,000.00 contribution to capital alone will not be sufficient to resolve the grave financial issues of the Mill Mountain Theatre, nor will it be enough to guarantee long term survival of the Theater. He stated that following the tragedy of 9-11 and the economic downtown, many regional theaters were forced to close their doors and Mill Mountain Theatre has been crippled by certain financial downturns; and, in addition, Mill Mountain Theatre has found itself in direct competition with the City of Roanoke. He advised that Mill Mountain Theatre has tried to be Roanoke's Performing Arts Theater for the past 40 years, having contributed over \$53,000.00 in the year 2002-2003 in admissions taxes alone.

He added that the City has protected cultural organizations in the Roanoke Valley on numerous occasions, the most recent being efforts to save the Grandin Theater, therefore, it is hoped that the City of Roanoke will do the same to help guarantee the success and future of Mill Mountain Theatre. He advised that a detailed funding request will be submitted in the near future to ensure another 40 years of continued operation by Mill Mountain Theatre.

Jere Hodgins, Executive Director, Mill Mountain Theatre, expressed appreciation to Council and to City officials who have supported the arts and cultural organizations, both as citizens and in their official capacities; and specifically for helping to bring Mill Mountain Theatre to the status that it currently holds as a nationally recognized regional theater, which is known for its world premiers and quality productions. He advised that Mill Mountain Theatre contributes to the economy of the Roanoke Valley by employing over 25 full time people who reside, pay taxes, shop and spend their money in the Roanoke area, Mill Mountain Theatre pays over \$600,000.00 in wages, over \$300,000.00 to local vendors, and over \$100,000.00 annually on insurance premiums with local insurance companies, and collects in the range of \$40,000.00 – \$53,000.00 per year in the City's admissions tax. He noted that Mill Mountain Theatre reinvests approximately 70 per cent of its budget back into the economy of the Roanoke region. He stated that Mill Mountain Theatre also serves as a primary entertainment and diversion venue in downtown Roanoke, the Theater is a major part of downtown Roanoke as a major destination point and overall attendance figures are in excess of 100,000 persons annually. In addition to the economic partnership with the City, he advised that Mill Mountain Theatre is involved in the community through school tours that reach over 25,000 students annually, and the Theater's vast array of educational programs feature classes for all ages and provide scholarships to those without the means to pay, youth auditions for theatrical events, evening programs for the 16 – 25 age group, and a free noon time series of presentations of new productions that has been a success with downtown employees who are looking for something to do as a diversion in their work day.

Mr. Hodgin closed his presentation by quoting from St. Francis of Assisi, "Start by doing what's necessary, then do what's possible, and finally suddenly, you are doing the impossible".

Vice-Mayor Fitzpatrick spoke in support of referring the request of Mill Mountain Theatre to 2005–2006 budget study and to the City Manager for report to Council. He stated that Council has been confronted with a tremendous challenge because to open the door to the request of the Mill Mountain Theatre will also open the door to numerous other cultural organizations that are in need of assistance by the City of Roanoke.

Council Member Wishneff spoke in support of the City Manager identifying a revenue stream(s) for cultural organizations.

Vice-Mayor Fitzpatrick encouraged the City Manager to present alternatives that will help not only Mill Mountain Theatre, but other cultural organizations that are in need of funding assistance.

Without objection by Council, the Mayor advised that the request of Mill Mountain Theatre for additional funding will be referred to the City Manager and to 2005-2006 budget study.

Council Member Cutler called attention to the \$100,000.00 proposed for Total Action Against Poverty/Dumas for renovation of the Dumas facility and advised that based on questions with regard to the financial status of the Dumas/Harrison Museum project, it is requested that Council authorize the \$100,000.00 proposed for the Dumas, but that the funds not be released until certain questions regarding sources of financing are addressed to the satisfaction of the City Manager.

Without objection by Council, the Mayor advised that it was so ordered.

There was discussion in regard to Municipal North renovations which involves returning to the Municipal Building certain City departments and/or activities that are currently housed at other locations, an offer of space to the Roanoke Redevelopment and Housing Authority to locate certain offices in downtown Roanoke; relocation of the Parks and Recreation Administrative Offices which are currently located on Reserve Avenue to the Municipal Building; and realignment of spaces in Municipal South and North, all of which was a part of the original plan when the decision was made to transfer Social Services employees from Municipal North to the Civic Mall on Williamson Road.

Mr. Wishneff moved that Ordinance No. 36866-092004 be amended to deduct \$50,000.00 from the Municipal North Renovation project to be applied toward purchase of the Oliver Hill House. The motion was seconded by Mr. Lea.

There was discussion in regard to future administration, management and maintenance of the Oliver Hill house and whether or not funds should be appropriated by the City before matching funds have been raised by the Oliver Hill Foundation.

During further discussion of the matter, the Vice-Mayor advised that the City is faced with the challenge of trying to preserve the Mill Mountain Theatre, which is a 40 year old organization that makes a tremendous contribution to the region; preservation of the Oliver Hill residence is not a 100 per cent responsibility of the City of Roanoke; more progress will be gained by working through partnerships with other organizations; and it would be inappropriate for the City to provide 100 per cent funding for the Oliver Hill house.

In response, Council Member Wishneff advised that in recent years, projects such as the Grandin Theater, the Art Museum, Shenandoah Hotel, the Roanoke Higher Education Center and others have involved initial funding by the City of Roanoke and then challenging the community to make its contributions. He stated that he was not suggesting that the City of Roanoke should fund the entire Oliver Hill house project.

Following further discussion, the amendment to Ordinance No. 36866-092004 offered by Mr. Wishneff, seconded by Mr. Lea, to deduct \$50,000.00 from the Municipal North Renovation project to be applied toward purchase of the Oliver Hill House, was lost by the following vote:

AYES: Council Members Lea and Wishneff-----2.

NAYS: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

Council Member Dowe advised that he serves in an unpaid capacity as a member of the Board of Directors of Center in the Square which is the organization that oversees the Mill Mountain Theatre, and inquired if he has a conflict of interest.

The City Attorney advised that inasmuch as Mr. Dowe's directorship is an unpaid position, he does not have a conflict of interest.

Ordinance No. 36866-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: Council Member Wishneff-----1.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

DRUGS/SUBSTANCE ABUSE: Ms. Judy Ferguson, 1713 Coveland Drive, N. W., spoke in opposition to the proposed methadone clinic on Hershberger Road/Cove Road. She stated that National Specialty Clinic, Inc. (NSC) business license has expired under the name of Roanoke Treatment Center and the facility is currently State licensed under the name of Appalachian Treatment Center; National Specialty Clinic, Inc., sold all of its clinics in December 2003, therefore, a question has been raised as to how the treatment center can operate in the Hershberger Road location under another name. She also raised questions as to how the Occupancy License can be transferred to the new owners.

She stated that representatives of the treatment center have advised that a site which was proposed at the former Roanoke-Salem Plaza is not suitable for their operation; however, approximately 84 current treatment sites are located in suites, on second floors of buildings, and in shopping center malls. She called attention to approximately 2000 children who attend schools in the area and existing traffic congestion. She referred to petitions signed by concerned citizens who reside on Ferncliff Avenue, Coveland Drive, Aspen Street, and Abbott Street, N. W. (The petition was not filed with the City Clerk.)

Ms. Ferguson indicated that she had other questions; whereupon, the Mayor requested that she provide her remarks in writing to the City Clerk to be forwarded to the City Manager and to the City Attorney for response. (No written statement was filed with the City Clerk.)

At 8:10 p.m., the Mayor declared the Council meeting in recess for continuation of a Closed Session.

At 9:10 p.m., the Council meeting reconvened in the City Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Advocates created by expiration of the term of office of Shirley M. Bethel, ending June 30, 2007; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Earnest Wilson.



There being no further nominations, Mr. Wilson was appointed as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2007, by the following vote:

FOR MR. WILSON: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-BUILDINGS: The Mayor advised that the term of office of Harry F. Collins, Jr., as a member of the Local Board of Building Code Appeals, will expire on September 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Harry F. Collins, Jr.

There being no further nominations, Mr. Collins was reappointed as a member of the Local Board of Building Code Appeals, for a term ending September 30, 2009, by the following vote:

FOR MR. COLLINS: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

At 9:15 p.m., the Mayor declared the Council meeting in recess until Friday, September 24, 2004, at 12:00 noon, for the Regional Leadership Summit Luncheon, to be hosted by Bedford County at the Olde Liberty Station Restaurant, 515 Bedford Avenue, Bedford, Virginia.

The City Council meeting reconvened on Friday, September 24, 2004, at 12:05 p.m., at the Olde Liberty Station Restaurant, 515 Bedford Avenue, Bedford, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Members M. Rupert Cutler, Sherman P. Lea and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----3.

ABSENT: Council Members Alfred T. Dowe, Jr., Brenda L. McDaniel, Brain J. Wishneff, and Mayor C. Nelson Harris-----4.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Stephanie M. Moon, Deputy City Clerk.

Also present were: Wayne G. Strickland, Executive Director, Roanoke Valley Alleghany Regional Commission; Pete Larkin, Congressman Bob Goodlatte's aide; Jeffrey S. Heller, Assistant Vice-President, International Marketing and Sales, Norfolk Southern Corporation; members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Bedford County, Craig County, Franklin County, Roanoke County, City of Bedford, City of Covington, City of Salem, and Town of Vinton.

Mr. Strickland presented copy of the 2004 Regional Legislative Agenda and the Industry Cluster Analysis. He advised that the 2004 Regional Legislative Agenda consists of recommendations from local governments in the Alleghany Highlands and Roanoke Valley to the Virginia General Assembly with regard to education, taxing and funding, and local authority.

He further advised that the Fifth Planning District Regional Alliance has released an analysis of industry clusters for the NewVA Region of Virginia that identifies eight high-paying industry groups that are likely to have a significant impact of economic growth in the region; the Regional Alliance commissioned the study with the Center for Regional Economic Competitiveness and the Roanoke Valley-Alleghany Regional Commission; and the NewVA Region includes the counties and cities in the Roanoke Valley, Alleghany Highlands and the New River Valley.

(For full text, see copies of the 2004 Regional Legislative Agenda and the Industry Cluster Study on file in the City Clerk's Office.)

Bobby Pollard, Chairman, Bedford County Board of Supervisors, welcomed participants to the meeting. He highlighted various accomplishments of Bedford County and the City of Bedford, such as the Montvale Chamber of Commerce, the Loudon Business and Technology, a proposed Virginia Technology Facility designated as a Technology Zone, and a New Welcome Center. He pointed out that Bedford County is surrounded by various tourist destinations, i.e.: the Peaks of Otter, the Blue Ridge Parkway, Smith Mountain Lake, Thomas Jefferson National Forest, Explore Park, and the National D-Day Memorial, and invited participants of the Leadership Summit to tour the City of Bedford and Bedford County following adjournment of the meeting.

**PERSONAL PROPERTY TAX REDUCTION ACT (PPTRA-Car Tax Reductions):** Elmer Hodge, County Administrator, Roanoke County, called attention to budget shortfalls in 2006, totaling almost \$100 million that localities could lose in connection with the Personal Property Tax Reduction Act (PPTRA). He advised that local government leaders are asking State lawmakers to correct the error - which affects 42 cities, counties and towns, including the cities of Roanoke, Salem, Richmond, Virginia Beach and Covington, the Counties of Roanoke, Chesterfield, and Henrico, and the Town of Vinton.

He further advised that the Virginia Municipal League estimates that reconciling the mistake will cost the State approximately \$250 million; the problem is a change in the car-tax subsidy system that was part of legislation approved by the General Assembly and signed into law by Governor Mark R. Warner last spring; legislators involved in drafting the legislation were not aware of the oversight until recently; and if the legislature fails to act, local officials will be forced to cut programs or raise other taxes to make up for the shortfalls.

Mr. Hodge stated that the problem will occur in 2006, when the State is scheduled to change the way it reimburses localities for a portion of car-tax revenues; the State has paid a portion of residential car taxes since 1998; and the change affects only those localities that mail car-tax bills to residents in the spring of 2005, including the Hampton Roads, Richmond and Roanoke regions; and the majority of local governments, including Northern Virginia, mail their tax bills in the fall, therefore, they are not affected by the change.

He further stated that under the existing system, local governments collect car-tax reimbursements from the State almost immediately after receiving payments from vehicle owners; beginning in 2006, the State will pay each locality a flat fee each year instead of linking reimbursements to the total value of car-tax bills; and because the State's budget year runs from July through June, the action provided an extra \$250 million to spend on public education and other State programs during the fiscal year ending June 30, 2006.

Mr. Hodge indicated that the PPTRA/SB 2005 Working Group convened by the Secretary of Finance, with representation from VML, VACo, the Commissioners of the Revenue Association and the Treasurers' Association, will discuss potential solutions and make recommendations for budget and/or legislative action to address the matter. He encouraged each locality to schedule a meeting with its legislative representatives to discuss the car-tax issue.

INTERMODAL FREIGHT ISSUES: Jeffrey S. Heller, Assistant Vice-President, International Marketing and Sales, Norfolk Southern Corporation, advised that there has been a big shift with regard to how the railroad conducts onshore business, most significantly coal, which is 30 per cent of the railroad's business and generates considerable revenue; and the biggest growth generated in the last five to ten years is the intermodal business which has consisted of close to 20 per cent of the railroad's business during the first half of 2004.

Mr. Heller further advised that as long as NS services are competitive with trucks and its cost is less, this is a cost effective way to do business in the United States. He presented the following information with regard to the Heartland Corridor:

The Heartland Corridor is a portfolio of intermodal based projects designed to significantly improve mobility and increase freight capacity between the Mid-Atlantic regions of Virginia and North Carolina, and the Midwest and West Virginia.

### Key Project Components:

- “Central Corridor Double-Stack Project”  
double-stack clearances between Roanoke, Virginia,  
through West Virginia to Columbus, Ohio  
New Intermodal Terminals  
Prichard, West Virginia
- Expanded Intermodal Capacity  
Columbus, Ohio – Rickenbacker Airport  
Roanoke, Virginia – New Terminal
- “Western Freeway Rail Corridor”
- Rail relocation project in Portsmouth, Virginia

### Supporting Projects Outside of Scope

- Terminal expansion – Front Royal, Virginia
- New Terminal – Petersburg, Virginia
- New classification facility – between Suffolk and Petersburg, Virginia

### Qualified Benefits of the Central Corridor Double-Stack Project

- Provides a new intermodal facility in western Virginia, a region that currently has no intermodal connections to the domestic and global intermodal network.
- Provides new, lower cost intermodal freight transportation options to shippers in the Appalachian regions of West Virginia, eastern Kentucky, and southeastern Ohio. This infrastructure improvement will provide a base for attracting new business to the region.
- Facilitates conversion of freight from highway to rail, reduces traffic congestion on key highways along the Heartland Corridor.
- Reduces emissions by up to 75 per cent on freight converted to rail.

### Expanded Terminal Capacity

The Heartland Corridor project will create significant new intermodal capacity in Columbus, Ohio, and Roanoke, Virginia. This project provides for a major new state-of-the-art intermodal facility adjacent to the Columbus Regional Airport Authority's Rickenbacker International Airport, south of Columbus.

This project provides for a new 17,000 lift intermodal facility in the Roanoke Valley region of western Virginia.

Phase I Capacity, Rickenbacker: 250,000  
 Phase I Capacity, Discovery Park: 100,000  
 Phase I Capacity, Roanoke: 17,000

Cost: \$76 million

The new facility in the Roanoke Valley would be similar in scope and design to the Norfolk Southern's new facility in Cleveland, Ohio.

- **Project Cost Summary**

Central corridor double-stack initiative and Prichard Intermodal Terminal – \$130 million  
 New terminal capacity in Columbus, Ohio, and the Roanoke, Valley – \$76 million  
 Western Freeway Rail Relocation Project – \$60 million  
 Total – \$266 million

- **Response to why Roanoke? Why now?**  
 Growth in east coast City of Norfolk ports  
 Growth of All Water Asia – United States steamship services  
 Roanoke at the crossroads of the I-64 and I-81 corridors

Local Markets growing

### Overall Benefits of the Heartland Corridor Project

Improved mobility for motorists and truck freight along the Heartland Corridor, including some mobility benefits on the I-81 segment between Staunton and Lexington, Virginia

Environmental benefits from reduced emissions through use of more efficient rail transportation

Economic, tax and employment benefits from the introduction of new or expanded Intermodal capacity along the Heartland Corridor

Preservation of rail infrastructure and employment on a rail corridor facing declines in other traditional rail traffic in Roanoke and West Virginia

Reduced shipping costs for shippers along or shipping via the Heartland Corridor

Improved access to the global trade network for shippers and manufacturers in Virginia, West Virginia, Eastern Kentucky and Ohio.

In closing, Mr. Heller expressed appreciation to Congressman Goodlatte for his support, and encouraged representatives of the localities to speak with their constituents on the local, state and national level in support of the Heartland Corridor project.

#### OTHER BUSINESS/ANNOUNCEMENTS:

Mr. Strickland announced that the Mayors and Chairs Meeting will be held on Friday, November 12, 2004, at 11:00 a.m., in Alleghany County. He also announced that the next Regional Leadership Summit will be held in January 2005; and Craig County has volunteered to host a Regional Leadership Summit in the spring of 2005.

There being no further business, the Vice-Mayor declared the meeting of Roanoke City Council adjourned at 1:15 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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